

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

RAKESH CHOPRA, M.D.

Physician's and Surgeon's
Certificate #A 40049

Respondent.

Case No. 09-2005-165379

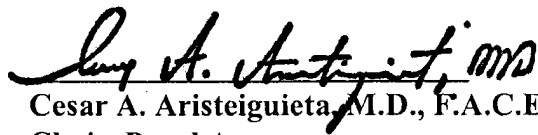
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 11, 2007.

IT IS SO ORDERED June 11, 2007

MEDICAL BOARD OF CALIFORNIA


Cesar A. Aristeiguieta, M.D., F.A.C.E.P.
Chair, Panel A
Division of Medical Quality

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 HARINDER K. KAPUR, State Bar No. 198769
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
6 P.O. Box 85266
San Diego, CA 92186-5266
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9 Attorneys for Complainant

10
11 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 RAKESH CHOPRA, M.D.
3975 Jackson Street, Suite 206
Riverside, CA 92503

16 Physician's and Surgeon's
17 Certificate No. A 40049

18 Respondent.

Case No. 09-2005-165379

OAH No. L2006060585

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
20 above-entitled proceedings that the following matters are true:

21 PARTIES

22 1. David T. Thornton (Complainant) is the Executive Director of the Medical
23 Board of California. He brought this action solely in his official capacity and is represented in
24 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Harinder K.
25 Kapur, Deputy Attorney General.

26 2. Respondent RAKESH CHOPRA, M.D. (Respondent) is represented in
27 this proceeding by attorney Mark A. Levin, Esq., whose address is Trident Center, 11377
28 Olympic Boulevard, 5th Floor, Los Angeles, California 90064-1683.

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1 CULPABILITY

2 8. Respondent agrees that, at an administrative hearing, complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in paragraphs
4 15 - 17 in the Second Cause for Discipline contained in Accusation No. 09-2005-165379, a true
5 and correct copy of which is attached hereto as Exhibit "A," and that he has thereby subjected his
6 Physician's and Surgeon's Certificate No. A 40049 to disciplinary action. Respondent further
7 agrees to be bound by the Division's imposition of discipline as set forth in the Disciplinary
8 Order below.

9 CONTINGENCY

10 9. This stipulation shall be subject to approval by the Division of Medical
11 Quality. Respondent understands and agrees that counsel for Complainant and the staff of the
12 Medical Board of California may communicate directly with the Division regarding this
13 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
14 signing the stipulation, Respondent understands and agrees that he may not withdraw his
15 agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon
16 it. If the Division fails to adopt this stipulation as its Decision and Order, the Stipulated
17 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
18 be inadmissible in any legal action between the parties, and the Division shall not be disqualified
19 from further action by having considered this matter.

20 OTHER MATTERS

21 10. The parties understand and agree that facsimile copies of this Stipulated
22 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
23 force and effect as the originals.

24 11. In consideration of the foregoing admissions and stipulations, the parties
25 agree that the Division may, without further notice or formal proceeding, issue and enter the
26 following Disciplinary Order:

27 ///

28 ///

1 **DISCIPLINARY ORDER**

2 **A. PUBLIC REPRIMAND**

3 IT IS HEREBY ORDERED that respondent Rakesh Chopra, M.D., Physician's
4 and Surgeon's Certificate No. A 40049, shall be and is hereby Publicly Reprimanded pursuant to
5 California Business and Professions Code section 2227, subdivision (a)(4). This Public
6 Reprimand, which is issued in connection with respondent's care and treatment of patient E.M.
7 as set forth in the Second Cause for Discipline in Accusation No. 09-2005-165379, is as follows:

8 Between on or about June 3, 2004, and on or about June 7, 2004, you failed to
9 adequately maintain records in accordance with the standard of practice in the medical
10 community as described in paragraphs 15-17 of the Second Cause for Discipline in Accusation
11 No. 09-2005-165379.

12 **B. MEDICAL RECORD KEEPING COURSE**

13 Within 60 calendar days of the effective date of this Decision, respondent shall
14 enroll in a course in medical record keeping, at respondent's expense, approved by the Division
15 or its designee. Failure to successfully complete the course during the first 6 months following
16 the effective date of this Decision shall constitute unprofessional conduct and grounds for further
17 disciplinary action.

18 A medical record keeping course taken after the acts that gave rise to the charges
19 in the Accusation, but prior to effective date of the Decision may, in the sole discretion of the
20 Division or its designee, be accepted towards the fulfillment of this condition if the course would
21 have been approved by the Division or its designee had the course been taken after the effective
22 date of this Decision.

23 Respondent shall submit a certification of successful completion to the Division
24 or its designee not later than 15 calendar days after successfully completing the course, or not
25 later than 15 calendar days after the effective date of the Decision, whichever is later.

26 **C. EDUCATION COURSE**

27 Within 60 calendar days of the effective date of this Decision respondent shall
28 submit to the Division or its designee for its prior approval educational program or course in

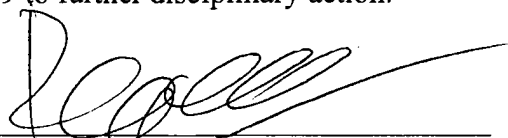
1 anticoagulation management. The educational program or course shall be aimed at correcting
2 any areas of deficient practice or knowledge and shall be Category I certified, limited to
3 classroom, conference, or seminar settings. The educational program or course shall be at
4 respondent's expense and shall be in addition to the Continuing Medical Education (CME)
5 requirements for renewal of licensure.

6 An education course taken after the acts that gave rise to the charges in the
7 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
8 Division or its designee, be accepted towards the fulfillment of this condition if the course would
9 have been approved by the Division or its designee had the course been taken after the effective
10 date of this Decision. Failure to successfully complete the course during the first 6 months
11 following the effective date of this Decision shall constitute unprofessional conduct and grounds
12 for further disciplinary action.

13 **ACCEPTANCE**

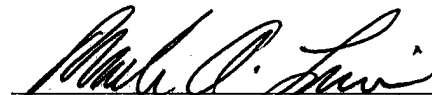
14 I, Rakesh Chopra, M.D., have carefully read this Stipulated Settlement and
15 Disciplinary Order and, having the benefit of counsel, enter into it freely, voluntarily,
16 intelligently, and with full knowledge of its force and effect on my Physician's and Surgeon's
17 Certificate No. A 40049. I fully understand that, after signing this stipulation, I may not
18 withdraw from it, that it shall be submitted to the Division of Medical Quality for its
19 consideration, and that the Division shall have a reasonable period of time to consider and act on
20 this stipulation after receiving it. By entering into this stipulation, I fully understand that, upon
21 formal acceptance by the Division, I shall be publically reprimanded by the Division and shall be
22 required to comply with all of the terms and conditions of the Disciplinary Order set forth above.
23 I also fully understand that any failure to comply with the terms and conditions of the
24 Disciplinary Order set forth above shall constitute unprofessional conduct and will subject my
25 Physician's and Surgeon's Certificate No. A 40049 to further disciplinary action.

26
27 DATED: 5/3/07

28 
RAKESH CHOPRA, M.D. (Respondent)
Respondent

1 I have read and fully discussed with Respondent RAKESH CHOPRA, M.D. the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4
5 DATED: May 3, 2007

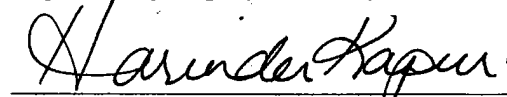
6 
7 MARK A. LEVIN, ESQ.
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Division of Medical Quality, Medical Board of California of
12 the Department of Consumer Affairs.

13
14 DATED: May 4, 2007

15 EDMUND G. BROWN JR., Attorney General
16 of the State of California
17 THOMAS S. LAZAR
18 Supervising Deputy Attorney General

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20 HARINDER K. KAPUR
21 Deputy Attorney General

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Attorneys for Complainant

Exhibit A

Accusation No. 09-2005-165379

1 BILL LOCKYER, Attorney General
of the State of California
2 SANFORD H. FELDMAN, State Bar No. 47775
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2079
Facsimile: (619) 645-2061

7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 9, 2006
BY Valerie Moore ANALYST

8
9 **BEFORE THE**
10 **DIVISION OF MEDICAL QUALITY**
11 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 09-2005-165379

13 RAKESH CHOPRA, M.D.
3975 Jackson Street, Suite 206
14 Riverside, CA 92503

OAH No.

A C C U S A T I O N

15 Physician's and Surgeon's
Certificate No. A 40049

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. David T. Thornton (Complainant) brings this Accusation solely in his
21 official capacity as the Executive Director of the Medical Board of California, Department of
22 Consumer Affairs and not otherwise.

23 2. On or about July 1, 1983, the Medical Board of California issued
24 Physician's and Surgeon's Certificate No. A 40049 to RAKESH CHOPRA, M.D. (Respondent).
25 The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and will expire on April 30, 2007, unless renewed.

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1 conduct departs from the applicable standard of care, each departure constitutes a separate
2 and distinct breach of the standard of care.

3 "(d) Incompetence.

4 "(e) The commission of any act involving dishonesty or corruption which is
5 substantially related to the qualifications, functions, or duties of a physician and surgeon.

6 "(f) Any action or conduct which would have warranted the denial of a certificate.

7 "(g) "

8 6. Section 2266 of the Code states: "The failure of a physician and surgeon to
9 maintain adequate and accurate records relating to the provision of services to their patients
10 constitutes unprofessional conduct."

11 FIRST CAUSE FOR DISCIPLINE

12 (Gross Negligence)

13 7. Respondent is subject to disciplinary action under Code sections 2220,
14 2227 and 2234 as defined by 2234(b) in that he was grossly negligent in connection with his care,
15 treatment and management of patient Eudora M. The circumstances are set forth below.

16 8. On or about June 3, 2004, while covering for M.B., M.D., 75-year-old
17 female patient Eudora M. presented to respondent with complaints of headache, nausea and
18 vomiting. Respondent's history and physical revealed patient Eudora M. was receiving
19 anticoagulation therapy, taking 4 mg of Coumadin daily. Respondent was not aware that her
20 INR was 5.4¹ Respondent did not order or institute reversal of patient Eudora M.'s
21 anticoagulation therapy.

22 9. On or about June 4, 2004, while still covering for M.B., M.D., respondent
23 received a call from patient Eudora M.'s daughter regarding the fact the patient's condition had
24 not changed. Accordingly, he directed that patient Eudora M. be taken to the emergency room at

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27 1. INR is the abbreviation for "international normalized ratio," a system established by the
28 World Health Organization (WHO) and the International Committee on Thrombosis and Hemostasis for reporting the results of blood coagulation (clotting) tests.

1 Riverside Community Hospital where she was admitted on June 4. Respondent did not order or
2 institute reversal of patient Eudora M.'s anticoagulation therapy.

3 10. On or about June 5 and 6, 2004, respondent failed to order reversal of
4 patient Eudora M.'s anticoagulation therapy. On or about June 6, 2004, another physician
5 ordered Coumadin be stopped and directed the nurse to ask respondent to begin anticoagulation
6 therapy.

7 11. On or about June 7, 2004, respondent ordered patient Eudora M. be
8 transferred to Parkview Community Hospital for a CT scan. Following the scan, she was
9 returned to Riverside Community Hospital where she underwent a right suboccipital craniotomy
10 to evacuate cerebellar subdural hematoma and an intracerebral hematoma.

11 12. On or about June 3, 4, 5 and 6, 2004, respondent was grossly negligent in
12 that he failed to order reversal of the anticoagulation therapy.

13 SECOND CAUSE FOR DISCIPLINE

14 (Failure to Maintain Adequate and Accurate Records)

15 13. Respondent is further subject to disciplinary action under sections 2220,
16 2227 and 2234 as defined by Code section 2266 in that he failed to maintain adequate and
17 accurate records in connection with his care and treatment of patient Eudora M. The
18 circumstances are set forth below.

19 14. On or about June 5 and 6, respondent failed to document his examination
20 of patient Eudora M.

21 15. Respondent did not dictate his discharge summary for patient Eudora M.'s
22 initial Riverside Community Hospital stay until June 23, 2004, even though she was discharged
23 on June 7, 2004.

24 16. Respondent did not dictate his discharge summary for patient Eudora M.'s
25 Parkview Community Hospital stay until July 25, 2004, even though she was discharged on
26 June 7, 2004.

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17. Respondent's discharge summary for patient Eudora M.'s Parkview Community Hospital stay incorrectly stated that she received two units of packed cells. In fact, she received two units of frozen plasma without cells.

THIRD CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)


18. Respondent is subject to disciplinary action under Code section 2234(c) in that he was repeatedly negligent in connection with his care, treatment and management of patient Eudora M. as set forth in paragraphs 7 - 17 above which are incorporated herein by reference as if fully set forth.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Division of Medical Quality issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A40049, issued to RAKESH CHOPRA, M.D.;
2. Revoking, suspending or denying approval of RAKESH CHOPRA, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering RAKESH CHOPRA, M.D., if placed on probation, to pay the Division of Medical Quality the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: May 9, 2006


DAVID T. THORNTON
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant